

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**MINISTER-CLEVELAND WINSTON
KILGORE-BEY,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:20-CV-76
(GROH)**

**KATHLEEN HAWK SAWYER,
Director of the Federal Bureau of Prisons,
R. HUDGINS, Warden,
KELLY MOORE, Medical Administrator,
JESSICA HOUCHEIN, P.A. Nurse/EMTP,
MS. ALICIA WILSON, and
D. KEMPER, Counselor,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) filed by United States Magistrate Judge Robert W. Trumble. Pursuant to this Court’s Local Rules, this action was referred to Magistrate Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued his R&R [ECF No. 30] on December 10, 2020. Therein, Magistrate Judge Trumble recommends that the Plaintiff’s “Motion for Leave to Declare an Emergency Temporary Restraining Order” [ECF No. 23] be denied. ECF No. 30 at 5.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court must conduct a *de novo* review of the magistrate judge’s findings where objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150

(1985). Failure to file timely objections constitutes a waiver of *de novo* review and of a plaintiff's right to appeal this Court's Order. 28.U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

The Plaintiff's objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The R&R was mailed to the Plaintiff by certified mail on December 10, 2020. ECF No. 30. The Plaintiff accepted service on December 21, 2020. To date, no objections have been filed. Accordingly, this Court reviews the R&R for clear error.

Upon careful review and thoughtful consideration, the Court finds that Magistrate Judge Trumble's R&R [ECF No. 30] should be, and is hereby, **ADOPTED** for the reasons more fully stated therein. Therefore, the Plaintiff's Motion seeking a preliminary injunction [ECF No. 23] is **DENIED**.

This Court **ORDERS** that this matter be **STRICKEN** from the Court's active docket. The Clerk of Court is **DIRECTED** to mail a copy of this Order to the *pro se* Petitioner by certified mail, return receipt requested, at his last known address as reflected on the docket sheet.

DATED: February 1, 2021



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE